

REMARKS/ARGUMENTS

The Official Action has been carefully considered and the Examiner's comments are duly noted.

Reconsideration of this Application in light of the Amendment for Claims 8 to 13 and the arguments submitted is respectfully solicited.

It is also respectfully requested that an extension of the term for one (1) month to December 9, 2005, be provided and our check in the amount of \$60.00 (small entity) is enclosed.

The Application contains Claims 1 to 13. It is noted from the Office Action Summary that Claims 1 to 13 in paragraph 6 were rejected.

With respect to paragraph 10 of the Summary and the drawings, it is believed that the drawings are acceptable, and, if not, the Examiner is respectfully asked to clarify the same.

With respect to paragraph 12 of the Summary, it is noted that the claim to foreign priority has been provided.

In paragraphs 1 and 2 of the detailed action, Claims 8 to 13 were rejected under 35 U.S.C. 112, second paragraph. As best understood, the Claims 8 to 13 have now been amended so as to set forth the pool apparatus.

Turning now to paragraphs 3 and 4 of the detailed action and the rejection of Claims 1 to 6 as obvious on the basis of Leaverton, U.S. Patent No. 6,797,164 B2, Applicant has carefully considered this reference and submits that the Examiner's understanding is different from Applicant's and that Claims 1 to 6, as now presented fully and patentably distinguish from Leaverton.

Applicant desires to provide the Examiner with the following background information concerning filters in swimming pools, which relate to the cited prior art:

Most, if not all of the cited references, relate to static filters which are installed in water conduits along the swimming pool's sidewalls at water level. This is in contradistinction to the subject Application water filter, which is adapted for use with a dynamic robot moving at the bottom of the swimming pool, wherein the filter is located inside the robot.

Specifically, filters located at the water level usually comprise a wide opening facilitating the free entrance of water, usually from its upper side, and to be exited from its lower end by gravity. This is not the case in the present invention, however, with filters inside robots, in which the entrance of water is affected from the bottom side of the robot by suction through slots which are relatively narrow. The water is sucked by a pump born by the robot, through the relatively wide entrance slots to the bottom side of the filter upwards through the pumps' vanes and exit from the upper side into the swimming pool. In order to produce proper suction, the filter should be structurally such as to form a hydrodynamic optimal passageway, namely, the passageways should be such as to enable the water free path as much as possible between the lower entrance opening to the upper exit opening.

In the cited reference, no suction is effected. The water is free to enter and exit the filter by gravity only and there is no consideration of a hydrodynamic passageways.

The Examiner's statement in Point 4 that the filtering bag B disclosed in U.S. Patent 6,797,164 (Leaverton), includes a "stretchable band (Fig. 7 #72)" is not correct. Numeral 72 in Fig. 8 and 7 is a "support ring" (see column 9, line 54). The showing in Fig. 8 of a non-stretchable member is clearly evident. Thus, the Examiner's objection and rejection of Claims 1 to 6, based on the U.S. Leaverton Patent is unfounded. This is so, since by any applied test, a support ring having a circular cross-section, usually made of rigid material such as metal or rigid plastic, is not an equivalent of a "stretchable flat band".

In paragraph 5, Claims 7 to 13 were rejected as obvious under 35 U.S.C. 103(a) as being unpatentable over Leaverton in view of MacDonald U.S. Patent 4,176,419.

More specifically, concerning the objection to claims 7 to 13 as being unpatentable over Leaverton in view of U.S. Patent 4,176,419 (MacDonald), here again, the Examiner's objection is based on what are believed to be false facts. Please note the comment about ring 72 above. 72 is not stretchable. The support ring of Leaverton is not a structural equivalent of a stretchable flat band. To be an equivalent, an element must be of the type that can replace another element and provide the same function. This cannot be said of a rigid ring and a stretchable flat band. Thus, replacing the stretchable band with a rigid ring will not "facilitate the easy attachment and detachment of said bag within a liquid filtering apparatus", as recited in claim 1. Moreover, claim 1 recites:

1. That "said bag" is situated "within a liquid filtering apparatus", whereas the device of MacDonald is not a bag.

2. A "framework having a peripheral recess for supporting a filter". No such recess exists in either Leaverton or MacDonald.

4. A "stretchable band extending along the periphery of said opening facilitating the easy attachment and detachment of said bag within a liquid filtering apparatus". Neither of the two cited references or a combination thereof, teach or suggest these defined features, or a recess, or a stretchable band for each replacement of filtering bags within a filtering apparatus. Claims 2 to 6 and 8 to 13 are dependent claims and it is submitted that since claims 1 and 7 are patentable over the cited prior art, these claims should also be allowed.

With respect to the objections noted by the Examiner to Claims 2 to 6 in paragraph 4, and Claims 8 to 13 in paragraph 5, the features set forth in these various Claims are more specific features which are considered to teach and enable someone to use the invention with ease. Since it is the duty of the disclosure in a Patent Application to teach the use of the invention and show various preferred embodiments, the various features noted by the Examiner as workable ranges are, in effect, further teachings of the present invention and, therefore, these Claims are further patentable over any combination of the prior art shown by the Examiner or known by the Applicant.


Early and favorable reconsideration of this Application, together with the allowance thereof, is respectfully and courteously solicited.

If any fees are needed, please charge them to our Deposit Account 50-3108.

Respectfully submitted,

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Enclosure: Check for \$60.00 (one-term extension, small entity)

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